

## **RULE 4:12. Persons Before Whom Depositions May Be Taken; Authority**

### **4:12-1. Within the State**

Within this State, depositions shall be taken before a person authorized by the laws of this State to administer oaths.

**Note:** Source-R.R. 4:18-1.

### **4:12-2. Without the State but Within the United States**

Outside this State but within the United States or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken before a person authorized to administer oaths by the laws of this State, of the United States or of the place where the examination is held.

**Note:** Source-R.R. 4:18-2.

### **4:12-3. In Foreign Countries**

Unless an international treaty or convention otherwise requires, in a foreign country depositions shall be taken (a) on notice before a secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or (b) before such person or officer as may be appointed by commission or under letters rogatory. A commission or letters rogatory shall be issued on application and notice, and on such terms and with such directions as are appropriate. Officers may be designated in notices or commissions either by name or descriptive title and letters rogatory may be addressed "To the Appropriate Judicial Authority in (here name the country)".

**Note:** Source-R.R. 4:18-3. Amended July 22, 1983 to be effective September 12, 1983; amended July 13, 1994 to be effective September 1, 1994.

### **4:12-4. Disqualification for Interest**

No deposition shall be taken before or recorded by a person, whether or not a certified court reporter, who is a relative, employee or attorney of a party or a relative or employee of such attorney or is financially interested in the action. Any regulations of the State Board of Court Reporting respecting disqualification of certified court reporters shall apply to all persons taking or recording a deposition.

The foregoing prohibitions shall not apply to a person making an audiovisual recording of the deposition, provided (1) the person is not a relative of a party, and (2) the person has no financial interest in the action, except that the person may be an attorney of a party or an employee of such attorney.

**Note:** Source — R.R. 4:18-4. Amended July 17, 1975 to be effective September 8, 1975; amended July 12, 2002 to be effective September 3, 2002; amended July 19, 2012 to be effective September 4, 2012.